

# Notice of Allowability

Application No.

09/835,253

Examiner

Daniel R. Sellers

Applicant(s)

MOULIOS, CHRISTOPHER J.

Art Unit

2615

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/9/07.
2. ☒ The allowed claim(s) is/are 1-5, 7, 8, 10-14 and 16-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Samuel Lee on 3/26/07.

The application has been amended as follows:

In claim 11, line 1:

"In a computer program product, a system comprising:" has been changed to

-- In a computer system comprising: --

### ***Response to Arguments***

2. Applicant's arguments, see p. 9, filed 3/09/07, with respect to claims 1-5, 7-8, 10-14, and 16-20 have been fully considered and are persuasive. The rejection of claims 1-5, 7-8, 10-14, and 16-20 under 35 USC 101 has been withdrawn.

### ***Allowable Subject Matter***

3. **Claims 1-5, 7-8, 10-14, and 16-20** are allowed.

4. The following is an examiner's statement of reasons for allowance:

**Claim 1** is allowable, because the prior art of record does not teach nor suggest "digitally comparing a first portion of a recorded signal, starting from an established

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anchor point with at least one different portion of the recorded signal subsequent to the anchor point, wherein the at least one different portion is extrapolated from the first portion." The prior art also does not teach or suggest the feature of refining the length of the portions, wherein the recurring events are "digitally comparing a pattern included in the first portion with patterns included by the at least one different portion, wherein the portions all have the same length."

As stated, on p. 10 of the reply received 10/4/06, Marx teaches digitally comparing patterns of portions of a song with predetermined linear time grids, or patterns. This does not suggest comparing subsequent portions, or loops, in the same recorded signal with the first established loop.

**Claims 2-5, 7-8, and 10** are allowed because they depend on claim 1.

**Claim 11** is allowable for the same reasons as claim 1.

**Claims 12-14 and 16-17** are allowed because they depend on claim 11.

**Claim 18** is allowable for the same reason as claim 1.

**Claims 19 and 20** are allowed because they depend on claim 18.

**Claim 21** is allowable for the same reasons as claim 1. Marx does not teach comparing the a first and a second portion of the same recorded signal, but instead teaches comparing the first or other portions of the same recorded signal with predetermined patterns. This does not suggest or make obvious the claimed subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRS

  
**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**